



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,518	07/02/2001	David James Stevenson	01-491	2537

7590 04/01/2009  
McDonnell Boehnen Hulbert & Berghoff  
32nd Floor  
300 S. Wacker Drive  
Chicago, IL 60606

EXAMINER
----------

MEUCCL, MICHAEL D

ART UNIT	PAPER NUMBER
----------	--------------

2442

MAIL DATE	DELIVERY MODE
-----------	---------------

04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/897,518	<b>Applicant(s)</b> STEVENSON ET AL.	
	<b>Examiner</b> MICHAEL D. MEUCCI	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8,12-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8,12-21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the request for reconsideration filed 14 November 2008.
2. Claims 1, 4, 5, 8, 12-21, and 23 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, 8, 12-21, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (U.S. 5,223,827) hereinafter referred to as Bell in view of Andersen (U.S. 6,434,715 B1), Vaid et al. (U.S. 6,502,131 B1) hereinafter referred to as Vaid, and Treu (U.S. 5,245,615).

a. Regarding claims 1, 8, 21, and 23, Bell teaches: receiving network management data relating to an event condition (lines 15-24 of column 1 and line 56 of column 3 through line 5 of column 4); adding a normal event log entry to the event log display, the normal event log entry corresponding to the event, when the number of preceding equivalent events is less than a predetermined number in a preceding time period (line 15 of column 1 through line 12 of column 2).

Bell does not explicitly teach: responsive to determining an event corresponds to an already recurring event, updating at least one existing log event entry by marking the

Art Unit: 2442

at least existing one log event entry as recurring; and wherein excluding an indication of the event from the event log display comprises excluding an indication of a normal event log entry to the event log display; updating at least one existing log event entry by marking the at least existing one log event entry as recurring responsive to determining an event corresponds to an already recurring event; and wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event; wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event; maintaining the event log display by excluding an indication of the event from the event log display when (i) the event corresponds to an already recurring event and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period; and SNMP events.

Regarding: responsive to determining an event corresponds to an already recurring event, updating at least one existing log event entry by marking the at least existing one log event entry as recurring; and wherein excluding an indication of the event from the event log display comprises excluding an indication of a normal event log entry to the event log display, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made. This information may be displayed at the trip unit 30 or at a central computer (not shown). This may be displayed (or printed) in the form of a log or by type of event along with the number of repeat

Art Unit: 2442

events, the time since the prior event occurrence and/or the frequency of such event occurrences,” (lines 58-67 of column 3). It would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to add a recurring event log entry to the event log display, the recurring event log entry corresponding to the event, when (i) the event does not already have recurring event status and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period, wherein excluding an indication of the event from the event log display comprises excluding an indication of a normal event log entry to the event log display. “This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine,” (line 67 of column 2 through line 3 of column 4 in Andersen). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to add a recurring event log entry to the event log display, the recurring event log entry corresponding to the event, when (i) the event does not already have recurring event status and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period, wherein excluding an indication of the event from the event log display comprises excluding an indication of a normal event log entry to the event log display in the system as taught by Bell.

Regarding: updating at least one existing log event entry by marking the at least existing one log event entry as recurring responsive to determining an event corresponds to an already recurring event; and wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event, Treu

Art Unit: 2442

discloses: "Multiple log information is used to reduce the size of the log and eliminate plural entries for the same or similar errors by counting multiple occurrences of same errors from a single source or of the same error condition from different sources," (lines 41-45 of column 5). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to update at least one existing log event entry by marking the at least existing one log event entry as recurring responsive to determining an event corresponds to an already recurring event; and wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event. It is clear from the recitation that counting multiple occurrences of the same error from a single source or the same error condition from different sources allows for the reduction of the size of the log by the elimination of plural entries of these logs (see Treu, lines 33-45 of column 5). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to update at least one existing log event entry by marking the at least existing one log event entry as recurring responsive to determining an event corresponds to an already recurring event; and wherein the normal event log entry is a log entry indicating the event does not correspond to the already recurring event in the system as taught by Bell.

Regarding: maintaining the event log display by excluding an indication of the event from the event log display when (i) the event corresponds to an already recurring event and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period, Andersen discloses: "For each such event that is detected by the intelligent electronic device the systemic fault

Art Unit: 2442

detection algorithm logs the occurrence of the event. Optionally, the algorithm may also log the date and time of the event. The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 8-18 of column 2). It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to maintain the event log display by excluding an indication of the event from the event log display when (i) the event corresponds to an already recurring event and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period. Meriting the generation of a repeat event (line 18 of column 2 in Andersen) is where motivation lies for this determination and logging of the event as a normal event. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to maintain the event log display by excluding an indication of the event from the event log display when (i) the event corresponds to an already recurring event and (ii) the number of preceding equivalent events is greater than the predetermined number in the preceding time period in the system as taught by Bell.

Regarding: SNMP events. The combination of Bell and Andersen teach the limitations of the instant application with regards to generic events, and the examiner contends that the type of event is arbitrary. In any case, Vaid discloses: "Alarms and

Art Unit: 2442

notifications can also be specified, in order to determine which events will trigger an alarm, at what threshold, and in what form e.g. email notification, pager message, SNMP trap, log entry and so on," (lines 52-55 of column 27). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include SNMP events. "Additionally, the directory access interfaces with management stations network services 1811 through SNMP," (lines 3-5 of column 27 in Vaid). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to include SNMP events in the system as taught by Bell and Andersen.

b. Regarding claim 4, Bell does not explicitly teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen). It is for this reason that one of ordinary skill in the art at



Art Unit: 2442

the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

c. Regarding claim 5, Bell teaches: the preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

d. As per claim 12, Bell does not explicitly teach: adding the time of the received data relating to the event condition to event data of the event in the recurring state. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add the time of the received data relating to the event condition to event data of the event in the recurring state. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to add the time of the received data relating to the event condition to event data of the event in the recurring state in the system as taught by Bell.

e. Regarding claim 13, Bell teaches: generating an event for presentation in the event log to the user when it is determined that the event condition has not occurred

Art Unit: 2442

more than the first predetermined number of times in the first immediately preceding time period (abstract and lines 15-62 of column 1).

f. Regarding claim 14, Bell teaches: the generated event is not a recurring event (abstract and lines 34-50 of column 2).

g. Regarding claim 15, Bell teaches: wherein if it is determined that the monitored characteristic for the event condition is not in a recurring state, the method further comprises determining whether a second predetermined number of equivalent events have been generated in a second preceding time period (line 51 of column 2 through line 12 of column 3).

h. Regarding claim 16, Bell teaches: generating an event for presentation in the event log to the user when it is determined that the event condition has not occurred more than the first predetermined number of times in the first immediately preceding time period (abstract and lines 15-62 of column 1).

i. Regarding claim 17, Bell does not explicitly teach: preventing a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition. However, Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made," (lines 58-62 of column 3). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event

Art Unit: 2442

condition. "This information is useful as an aid in determining the cause or root (i.e., systemic root cause) of these events as such would otherwise be difficult to determine," (line 67 of column 3 through line 3 of column 4 in Andersen) and "By identifying repeating fault events automatically, these systemic fault conditions may be predicted, detected, and corrected before a major fault event occurs," (lines 16-19 of column 4 in Andersen). It is for these reasons that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to prevent a subsequent event from being presented in the event list to the user following a subsequent occurrence of the event condition in the system as taught by Bell.

j. Regarding claim 18, Bell does not explicitly teach: adding a time stamp to the event data of the recurring event, the time stamp indicating the time of the subsequent occurrence of the event condition. However, Andersen discloses: "Optionally, the algorithm may also log the date and time of the event," (lines 10-11 of column 2). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add a time stamp to the event data of the recurring event, with the time stamp indicating the time of the subsequent occurrence of the event condition. "The algorithm determines if this particular fault type (or event type) has occurred before (e.g., the same type of fault on the same phase). If such a fault has occurred before, the time since the last such fault occurrence and the total number of such fault type occurrences are determined. This is then compared against the user-input number of events and/or time frequency specified to merit the generation of a repeat event," (lines 11-18 of column 2 in Andersen). It is for this reason that one of ordinary skill in the art at

Art Unit: 2442

the time of the applicant's invention would have been motivated to add a time stamp to the event data of the recurring event,, with the time stamp indicating the time of the subsequent occurrence of the event condition in the system as taught by Bell.

k. Regarding claim 19, Bell teaches: generating an event for presentation in the event log to the user when it is determined that the event condition has not occurred more than the first predetermined number of times in the first immediately preceding time period (abstract and lines 15-62 of column 1).

l. Regarding claim 20, Bell teaches: the first and/or second preceding time period is an immediately preceding time period (abstract and lines 45-62 of column 1).

### ***Response to Arguments***

5. Applicant's arguments, see arguments, pages 9 and 10, filed 14 November 2008, with respect to the rejection of claim 1 under 35 U.S.C. 103(a) in view of Dickey have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Treu (U.S. 5,245,615) as detailed above.

6. Applicant's arguments filed 14 November 2008 regarding the motivation to combine Bell and Anderson have been fully considered but they are not persuasive.

7. (A) Regarding claim 1, the applicant contends that combining Andersen with Bell would change the principle operation of Bell and render Bell unsatisfactory for its

Art Unit: 2442

intended purpose by failing to preserve at least the absolute event counts. The examiner respectfully disagrees.

As to point (A), the applicant argues that the resetting of events taught by Andersen runs counter to the fundamental purpose taught in Bell of preserving absolute event counts even as a threshold is crossed or a sliding time window expires. The examiner points out that this section the applicant cites in their argument was not relied upon by the examiner in rejecting the claims. Andersen was relied upon for generating a log entry that shows that an event/message has been repeated. The cited section of Andersen discloses: "A limit may be set as to how many repeats should be observed before a repeat event/message is generated. Similarly a limit may be programmed in as to how many repeat events/messages should be generated regardless of the number of observations made. This information may be displayed at the trip unit 30 or at a central computer (not shown). This may be displayed (or printed) in the form of a log or by type of event along with the number of repeat events, the time since the prior event occurrence and/or the frequency of such event occurrences," (lines 58-67 of column 3). It is clear from this recitation that Andersen does not reset events as argued by the applicant. The section relied upon by the applicant in this argument is one of many exemplary embodiments of the Andersen invention and ultimately is not required of the system to function properly. As such, the rejection remains proper and is maintained by the examiner.

***Conclusion***

8. Because new grounds of rejection, not necessitated by amendment, have been added to this office action, this action is non-final.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2442

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Andrew Caldwell/  
Supervisory Patent Examiner, Art Unit 2442